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## Legislation

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## I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1347/96

of 2 July 1996

imposing definitive anti-dumping duties on imports of unwrought pure magnesium originating in Russia and Ukraine and collecting definitively the provisional duty imposed

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup>, and in particular Article 23 thereof,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(2)</sup>, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

I. PROVISIONAL MEASURES

(1) By Commission Regulation (EC) No 2997/95<sup>(3)</sup> provisional anti-dumping duty was imposed with effect from 24 December 1995 ('provisional duty Regulation') on imports into the Community of unwrought magnesium falling within CN codes 8104 11 00 and 8104 19 00 and originating in Russia and Ukraine.

By Regulation (EC) No 720/96<sup>(4)</sup> the validity of the provisional anti-dumping duty was extended by the Council until 24 June 1996.

II. SUBSEQUENT PROCEDURE

(2) Following the imposition of the provisional anti-dumping measures the following interested parties submitted comments in writing:

(a) *producers in Russia:*

— Avisma Titanium-Magnesium Works, Berez-niki, Perm region ('Avisma'),  
Solikamsk Magnesium Works, Solikamsk, Perm region ('Solikamsk');

(b) *producer in Ukraine:*

— Concern Chlorvinil, Kalush, Ivano-Frankovsk region ('Chlorvinil')<sup>(5)</sup>;

(c) *producer in the Community:*

— Péchiney Electrometallurgie;

(d) *producer in the analogue country:*

— Hydro Magnesium, Porsgrunn, Norway;

(e) *importer in the Community:*

— Ayrton & Partners, London, UK;

(f) *user in the Community:*

— Aluminium Norf, Neuss, Germany, ('Alunorf');

(g) *user association in the Community:*

— Arbeitsgemeinschaft der Eisen und Metall verarbeitenden Industrie, Düsseldorf, Germany, ('AVI').

(3) Those parties who so requested were granted an opportunity to be heard by the Commission.

(4) The Commission continued to seek and verify all information it deemed necessary for its definitive findings.

(5) Parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.

<sup>(1)</sup> OJ No L 56, 6. 3. 1996, p. 1.

<sup>(2)</sup> OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by Regulation (EC) No 522/94 (OJ No L 66, 10. 3. 1994, p. 10).

<sup>(3)</sup> OJ No L 312, 23. 12. 1995, p. 37.

<sup>(4)</sup> OJ No L 100, 23. 4. 1996, p. 1.

<sup>(5)</sup> This producer changed its name to 'Oriana' after the period of investigation.

- (6) The parties' oral and written comments were considered, and the conclusions altered where deemed appropriate.
- (7) Owing to the complexity of the case, in particular the determination of the appropriateness of the analogue country, the investigation overran the normal duration of one year provided for in Article 7 (9) (a) of Regulation (EEC) No 2423/88 (hereinafter referred to as the 'basic anti-dumping Regulation').

### III. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (8) At the provisional stage unwrought pure and alloyed magnesium, both produced in ingot form, were considered as the product concerned.
- (9) After the imposition of provisional duty, the Russian and Ukrainian producers submitted that there were differences between the two above categories of unwrought magnesium, i.e. pure and alloyed, in terms of physical characteristics, production process and end-use, warranting the treatment of these two categories of unwrought magnesium as two distinct products.
- (10) The Community industry submitted that the Community institutions should take into account its sales volume and value of pure magnesium in granular form in order to allow a complete assessment of injury.

#### A. Differences between unwrought pure magnesium and unwrought alloyed magnesium in ingot form

- (11) The final stage of the investigation has shown that the two categories of unwrought magnesium are different in their composition, in particular their magnesium content, although the latter is above 90 % for both categories. At the same time the additional alloying agents contained in unwrought alloyed magnesium enhance or even alter the basic physical characteristics of this category as compared to the other category, i.e. unwrought pure magnesium.

On this basis it is concluded that certain differences in physical characteristics between unwrought pure and alloyed magnesium do exist.

- (12) As already pointed out in recital 11 of the provisional duty Regulation, it has been established that the two different categories of unwrought magnesium are used in a variety of applications, mainly in aluminium alloying, in steel desulphurization and in die-casting. Although there are applications in which the use of either of the two categories of

unwrought magnesium is theoretically possible, in practical terms the use is limited to one or the other category of unwrought magnesium for technical reasons. In particular, the use of unwrought pure magnesium for die-casting is basically impossible whereas the use of certain types of unwrought alloyed magnesium in both steel desulphurization and aluminium alloying is possible with certain technical adjustments. Given also that the two categories of unwrought magnesium are traditionally used only in certain applications, the customers also perceive differences between them.

Thus, the areas of use which are common for unwrought pure and alloyed magnesium in practical and even theoretical terms are very limited and therefore the interchangeability of the two categories of products is also limited.

- (13) In the light of the above, it is concluded that unwrought pure and alloyed magnesium have to be considered as two distinct products. As neither the producers in the exporting countries nor the Community industry have produced or sold unwrought alloyed magnesium in any significant quantity, it is concluded that unwrought alloyed magnesium can be excluded from the scope of the present investigation.

Consequently, the analysis of dumping, of injury, of causation between dumping and injury and of Community interest detailed below is exclusively based on information related to unwrought pure magnesium (hereinafter referred to as 'magnesium').

Magnesium, depending on the content of impurities, is classified under the combined nomenclature as 8104 11 00 or 8104 19 00.

#### B. Magnesium in granular form

- (14) At the provisional stage, the Commission for the injury determination considered the volume and value of the Community industry's sales of magnesium in ingot form. Since then, the Community industry has submitted that the Commission should also take into account for the injury determination its sales of magnesium processed in-house from ingot form into magnesium granules, subsequently sold in the open market to independent customers.

It should be noted that magnesium granules are used as such in one of the main applications for magnesium, i.e. for steel desulphurization. The sole remaining Community producer performs the magnesium grinding process in-house. In contrast, the Russian and Ukrainian producers of magnesium sell the latter in ingot form to independent grinders in the Community for processing the ingots into granules.

- (15) Given the importance of steel desulphurization as a usage of magnesium and the relative simplicity of the grinding process, it has been concluded that the volume and value of sales of magnesium ingots transformed into magnesium granules should be taken into account, subject to an allowance for grinding costs, in determining the situation of the Community industry.

#### IV. DUMPING

##### A. Russia and Ukraine

###### 1. Normal value

- (16) The Russian producers submitted that the analogue country i.e. Norway, was not an appropriate choice. These producers argued in general terms that given the difference in economic development between Russia and Norway leading to, for example, substantial labour cost differences, the latter could not be used as an analogue country.

The Community industry, on the contrary, submitted that the producer located in Norway was among the most efficient world-wide manufacturers, operating a particularly cost-effective production when compared to the exporting producers concerned.

In respect of this argument, it is noted that the justification for using an analogue country in anti-dumping proceedings involving non-market economy countries is the lack of reliable cost and price information in the non-market economy country concerned. Therefore, it is considered groundless to argue that certain costs prevailing in the non-market economy are lower than in the market economy analogue country and that accordingly adjustments of the normal value determined for the analogue country when applying it to the non-market country should be made. Based on the same reasoning, the Commission does not take into account costs resulting from inefficiencies in for example the use of the workforce, which would result in adjustments in the normal value to the disadvantage of the non-market economy producers, as it appears reasonable to assume that such disadvantages are the result of that form of economic system.

- (17) Furthermore, the Russian and Ukrainian producers alleged that Norway did not represent an appropriate choice of analogue country because the producer located in this country would have an interest in the outcome of this proceeding.

As mentioned in recital 68 of the provisional duty Regulation, it has been found that part of this Norwegian producer's field of activity was the Community magnesium market.

The investigation conducted has ensured, however, that the conclusions reached are based on verified and thus reliable cost and sales price information for Norway. On this basis any allegation that the particular interest of the producer in question may have influenced the conclusions of the present investigations are unfounded.

- (18) As regards certain allegations made by the Russian and Ukrainian producers related to the reliability of production costs determined for the analogue country producer, it is not considered necessary to address these allegations in detail. They are based on the use of an inconsistent set of exchange rates and on the comparisons of normal values determined in anti-dumping proceedings carried out in the past by the US authorities using different methodologies and ignoring the methodology used by the Commission in order to determine the level of duty at the provisional stage.

- (19) Finally, certain allegations were based on the situation of the magnesium operations of the group to which the analogue country producer belonged which also included magnesium operations in Canada. In this respect it should be noted that the determination of the normal value was exclusively based on the situation of the producer located in the analogue country i.e. Norway.

- (20) In conclusion, it is maintained that the information collected in respect of the analogue country producer is reliable and is actually supported by information submitted by the Russian and Ukrainian producers.

###### 2. Export prices

- (21) One Russian producer found, as set out in recital 30 of the provisional duty Regulation, to have sold the product concerned to a related company in Switzerland, and which had omitted to specify this relationship, did not contest after the provisional stage that the relationship existed. However, this producer claimed that it did not know the final destination of its exports and that therefore the sales to this related company should not be considered as sales destined for export to the Community.

This approach cannot be accepted given the relationship between the companies concerned and also taking into account the fact that the Russian company in question did not submit any information linked to the sales to the related party (e.g. shipping documents indicating the actual shipping destination) that would demonstrate that the approach taken at the provisional stage for the determination of export sales and export prices as set out in recitals 30 and 31 of the provisional duty Regulation was incorrect.

- (22) The two Russian producers claimed that an amount for commission from their export prices was wrongfully deducted, as this commission was paid to parties located in Russia. The Russian producers submitted that, given the status of Russia as a non-market economy country, any costs incurred there should not be considered.

The information at hand was reviewed, and it is concluded that the deduction concerned should not be made, given the status of this country as a non-market economy. It appears, as argued by the Russian producers, that the commission payments relate to activities in Russia.

- (23) The Ukrainian producer submitted that the export price of certain export transactions were wrongfully adjusted by twice deducting an amount for commission.

Based on the information submitted, it was established that the claim of the Ukrainian producer was justified and the calculation was adapted accordingly.

### 3. Comparison

- (24) The Russian producers claimed that the production process used by the analogue country producer was partly different from the production process used in Russia, yielding extra costs of production. These claims concerned one specific production step, i.e. the treatment of the feedstock and the production of certain by-products.
- (25) With respect to differences in the processing of the feedstock, it was determined that prior to the investigation period, the analogue country producer used two different production processes in order to prepare the feedstock for the production of magnesium. One of the production processes was discontinued well before the beginning of the investigation period. The claims of the Russian producers in respect of differences in the processing of the feedstock related to this discontinued production process. Since this production process was discontinued and did not affect the situation prevailing during the investigation period, it was not considered necessary to address the question raised by the Russian producers.
- (26) With respect to certain by-products resulting from the production process, this aspect was examined carefully in order to address the question of possible inherent differences in the efficiency of the production processes used during the investigation period in the analogue country and in the exporting countries.

The following should be noted:

- on the basis of the information available, the electrolysis process (i.e. one of the major

production steps in the production of magnesium) of the analogue country producer, given that the structure of the electrolysis cells used by the analogue country producer is inherently less energy-consuming when compared to the electrolysis process used in the exporting countries. In addition, the lifetime of the electrolysis cells is substantially shorter in the exporting countries concerned (i.e. around one year against five years in the analogue country),

- the production process used in the exporting countries yields, to a greater extent than the production process performed in the analogue country, certain by-products. From information submitted in the course of the investigation it appears that these by-products are used as inputs in the production of other products in the exporting countries.

- (27) On the basis of the above, it has been concluded that the normal value established in the analogue country should be adjusted in order to reflect that the Norwegian production process had a lower yield of by-products while being more energy-efficient. Such an adjustment was done on the basis of electricity prices prevailing in the analogue country and on the basis of an estimate of the prices of the main by-products valued at prices prevailing in the Community adjusted for necessary purification treatment.

### 4. Dumping margins

- (28) The Russian producers claimed that the cif Community-border value used in determining the provisional dumping margin should be adapted because of the effects of the enlargement of the Community. They argued that they had exported their products during the investigation period to a port in Finland and as a consequence the export transactions should not be adjusted to bring them to a Community frontier level by adding all relevant costs to reach a cif-Rotterdam level.

The destination of the export sales made by the Russian producers during the investigation period have been verified and it is concluded that the claim is not justified. Indeed, contrary to the claim of the Russian producers, export sales to independent customers were made at a Rotterdam-harbour level in the overwhelming majority of cases. Therefore, the claim of the producers concerned is rejected.

- (29) A comparison of the adjusted normal value with the export prices revealed that the ex-national frontier prices of all export transactions from Russia and Ukraine were below normal value. The revised

dumping margins were aggregated for all export transactions and when expressed as a percentage of the total cif Community-border value are as follows:

- Russia: 46,5 %
- Ukraine: 54,5 %.

#### B. Kazakhstan

- (30) The conclusion reached at the provisional stage concerning imports of magnesium originating in Kazakhstan i.e. that imports are de-minimis, was confirmed at the definitive stage. Consequently, no dumping margin has been determined with respect to imports originating in this country.

### V. INJURY

#### A. Volume of Community market, consumption in the Community

- (31) The consumption in the Community market for the product concerned was determined based on market research information compiled by a market research organization on the basis of a survey among suppliers and users. The information used does include the consumption of magnesium by companies belonging to the group of the sole remaining producer of the Community industry. It has to be noted that these companies were free to purchase magnesium from whatever supplier and therefore the consumption determined reflects the open market for the product concerned.

The resulting consumption of magnesium in the Community measured in metric tonnes was as follows:

1990	1991	1992	1993
46 000	42 000	47 000	41 000

#### B. Dumped imports from Russia and Ukraine

##### 1. Cumulation of imports

- (32) The Ukrainian producer stated that imports originating in Ukraine should not be cumulated with those originating in Russia. The producer mentioned in this context that, unlike the situation with regard to Russia, it had exported neither unwrought alloyed magnesium nor stockpile magnesium.

As far as the argument related to sales of unwrought alloyed magnesium is concerned, reference is made to point III in which the product definition was revised.

- (33) As far as the argument about exports of stockpile material is concerned, reference is made to recital 31 of the provisional duty Regulation, where it is stated that export prices and volumes for unwrought magnesium originating in Russia were made on the basis of the transactions of the two cooperating producers which, according to the

information submitted by them, have not sold any stockpile material themselves.

- (34) On this basis, and taking into account the arguments raised already at the provisional stage (see recitals 43 to 45 of the provisional duty Regulation), it is considered that the cumulation of imports originating in Russia and Ukraine is appropriate.

##### 2. Volume of imports

- (35) The volume of dumped imports of magnesium originating in Russia and Ukraine, measured in metric tonnes product, show a significant increase from around 2 100 metric tonnes in 1991 to around 5 400 metric tonnes in 1992, ultimately rising to around 9 200 metric tonnes in the investigation period.

- (36) On the basis of the total Community consumption, this development corresponds to a rise in market share held by dumped imports from 5 % in 1991 to 11 % in 1992 and to 23 % in the investigation period.

- (37) The price level for magnesium for the imports concerned has been determined and the following price trend for the two exporting countries concerned has been established (table given in indexed form, base in 1990:100):

1990	1991	1992	1993
100	86	92	87

These prices were at a consistently low level and undercut those of the Community industry by a substantial margin. A detailed evaluation of the export prices charged during the period of investigation as compared to prices charged by the Community industry at a comparable level of trade, and taking into account where appropriate differences in the quality of the products was made. The prices of all export transactions undercut prices of the Community industry by an average margin of 35 %.

#### C. Situation of the Community industry

- (38) A number of interested parties have pointed out that the Community industry no longer suffers injury as the demand for magnesium has changed since the end of the investigation period, leading to a supply shortage and a considerable increase in prices.

However, the alleged change in demand has occurred in the market for die-casting which essentially uses unwrought alloyed magnesium.

##### 1. Sales volume and market share of Community industry

- (39) As mentioned in point III B, sales of magnesium ingots of the Community industry were analysed taking into account quantities sold in ingot form as such ('magnesium ingots') and the quantities of ingots attributable to sales in granular form ('magnesium granules').

Total yearly sales volume of the Community industry to unrelated customers in the Community of magnesium ingots and magnesium granules decreased since 1990. From 1991 to 1992 the decrease was almost 40 %. From 1992 to the investigation period more than 10 %, i.e. on an indexed basis from 62 to 53 between 1992 and the investigation period (base 1990:100).

This decrease in sales volume resulted in a decrease in market share of the Community industry from 20 % in 1991 to 11 % in both 1992 and in the investigation period.

- (40) If sales of magnesium granules are excluded from the analysis, the following, similar pattern emerges: yearly sales volume of the Community industry to unrelated customers in the Community decreased since 1990. From 1991 to 1992 the decrease was almost 40 %. From 1992 to the investigation period sales fell by around 20 %, i.e. on an indexed basis from 55 to 44 between 1992 and the investigation period (base 1990:100).

This decrease in sales volume resulted in a decrease in market share of the Community industry for sales of magnesium ingots from around 15 % in 1991, to 8 % in 1992 and 7 % in the investigation period.

- (41) Finally, if sales transactions to related companies using the product concerned which were free to purchase their raw materials from independent suppliers are also included in the analysis, the total yearly sales volume again shows a decrease since 1990. From 1991 to 1992 the decrease continued and was almost 30 %. From 1992 to the investigation period it was around 10 %, i.e. on an indexed basis from 74 to 69 between 1992 and the investigation period (base 1990:100).

This decrease in sales volume resulted in a development of market share of the Community industry for its total sales of magnesium from around 30 % in 1991, to around 20 % in both 1992 and in the investigation period.

## 2. Prices of the Community industry

- (42) The Russian producers argued that the Community industry obtained an increase in its sales prices from 1991 through 1992 into the investigation period.
- (43) In this context it must be noted that prices of the Community industry improved from 1991 to the investigation period as a result of a market recovery. This price recovery reflects, as far as its pattern is concerned, world market price fluctuations. From the beginning of the investigation

period however, these prices have declined substantially up to the end of the investigation period.

As for the analysis of sales and market share, yearly price trends (in index form with the base 100 in 1990) are shown for:

— sales of magnesium ingots:

1990	1991	1992	1993
100	74	79	92

— sales of magnesium ingots and magnesium granules:

1990	1991	1992	1993
100	76	81	91

— total sales including sales to related customers:

1990	1991	1992	1993
100	75	81	91

- (44) Prices within the investigation period decreased by about 6 % between the first quarter and the last quarter for sales of magnesium ingots, by around 8 % when taking account of sales both of magnesium ingots and magnesium granules and also by 8 % if total sales of the Community industry are taken into account. This underlines that prices of the Community industry were under particular pressure during the investigation period.

## 3. Other factors

- (45) As far as the financial situation, production, stocks, capacity, capacity utilization and employment are concerned, no new information was received from interested parties after the imposition of provisional measures and no new information is available, therefore the provisional determinations reached concerning these factors are confirmed.

## D. Conclusion

- (46) In conclusion, the substantial reduction in the Community industry's sales, production and market share, the substantial increase in stock volume and the loss of employment as well as the negative development as far as the financial results are concerned, led to the conclusion, at the definitive stage, that the Community industry has been suffering material injury within the terms of Article 4 (1) of the basic anti-dumping Regulation.



## VI. CAUSATION

## A. Price situation of the Community industry

- (47) The Russian producers argued that their exports had not caused the injury suffered by the Community industry as this industry experienced a negative situation in a time period before their exports gained importance. Furthermore, the Russian producers submitted that their argument was corroborated by the fact that the situation of the Community industry improved in terms of resale prices as imports of magnesium originating in Russia gained importance.
- (48) As already mentioned in recital 69 of the provisional duty Regulation, it has been acknowledged that dumped imports were not the sole cause of the injurious situation of the Community industry. Indeed, it was determined that the Community industry has faced negative developments because of a downturn in the market for magnesium triggered by a general downturn in the magnesium-using industries. However, it has also been established that since 1991, imports of magnesium originating in the two exporting countries concerned increased considerably, contrary to the development of consumption in the Community, and have consistently been made at prices undercutting those of the Community industry.

On this basis, it can be concluded that the two developments, a market downturn and the undisputed increase in low-priced imports originating in the two countries concerned, overlap, as do their consequent effects. It was provisionally determined that the appearance of high volumes of dumped imports have jeopardized the recovery of the Community industry after a consolidation of the market and a restructuring programme which took effect toward the end of 1992.

- (49) In order to distinguish between the possible effects of these two factors, the pricing pattern of the various suppliers on the Community market has been analyzed. These suppliers are, in decreasing order of market share during the investigation period, Norway (around 16 %), the US (around 16 %) and Canada (around 3 %) apart from the countries concerned by this proceeding and the Community industry.

An analysis of the pricing pattern of these suppliers based on the information received from the producers located in the exporting countries concerned, from the Community industry and based on import statistics for other suppliers, together with market research information revealed that there was a world wide price slump in the years 1991 and 1992. By the middle of 1992 and at the beginning of 1993, the market recovered leading to an increase in sales prices. For imports from Russia

and Ukraine, throughout the period from 1990 to the investigation period, these were made at prices consistently and substantially undercutting those of the other main suppliers.

Furthermore, the year-to-year price changes of the various suppliers indicate for all of them an upward price trend in the period of 1992 to the investigation period, in line with a price increase in the world market. On the contrary however, the two exporting countries concerned decreased their prices. The Community industry has not been able to effect price increases to the same extent as those of other third country suppliers. This explains why this industry's market share has remained relatively stable, while the market share of other third country suppliers substantially deteriorated from 1992 to the investigation period.

This indicates that the price increase which resulted from the world market recovery from 1992 to the investigation period was substantially hampered for the Community by the pricing of the exports concerned, which undercut those of the other suppliers substantially, leading to the Community industry having to forego price increases.

- (50) Furthermore, it was established that prices of the Community industry deteriorated during the investigation period after having recovered somewhat at the beginning of it. From the first quarter to the last quarter of the investigation period alone prices decreased by between 6 % and 8 %. It was in this period that imports from the countries concerned increased markedly.

## B. Sales channels of Russian exporters and of the Community industry

- (51) The Russian producers stated that their sales of the product concerned could not have caused injury because these sales in the Community went into other sales channels than those of the Community industry and were destined for other uses. It was claimed that the Russian material was often off-grade material, i.e. magnesium with a higher content of impurities, which was used for steel desulphurization purposes. The Russian producers claimed that there was very little overlap between the channels and uses for their products and for those of the Community industry as the Russian producers did not sell any unwrought alloyed magnesium to, for example, die-casters.

- (52) As regards this claim, the following should be noted:

— first, the present investigation deals with products which are very similar, if not identical, in their characteristics and uses. It is considered that for this reason alone, the low-priced sales of the imported products have an impact on the Community industry,

- second, it is undisputed that the market for magnesium is highly transparent with the effect that not only prices realized but even price offers quoted have an impact on the market overall,
- third, the investigation has shown that the Community industry sells magnesium in substantial quantities in the market segment and to customers in which the Russian producers have claimed to be specialized,
- fourth, the investigation has not confirmed that the cooperating Russian producers have sold to any extent any off-grade magnesium. Indeed, the producers themselves claimed that their product was of good quality, a statement confirmed during the investigation by the cooperating importers and user.

#### C. Other imports

- (53) The Russian producers claimed finally that Russian exports had mainly affected the position of other countries' imports.

As already mentioned in recital 68 of the provisional duty Regulation, the market share of imports of magnesium originating in countries other than those covered by the present proceeding actually decreased over the years leading to the investigation period. However, the divergence in the trend of Community and third country market shares does not support the claim that the imports concerned have not caused injury to the Community industry. The Community industry has opted to keep its market position by increasing its prices substantially less than the other suppliers.

#### D. Purchases by the Community industry of magnesium originating in Russia and Ukraine

- (54) It was argued that the sole remaining Community producer had purchased magnesium originating in Russia and Ukraine and had in this respect inflicted injury on itself.

In this respect it was found that the Community producer had not bought any of the product concerned originating from these sources.

#### E. Conclusion

- (55) It is therefore concluded that high-volume, low-priced dumped imports of magnesium originating

in Russia and Ukraine, taken in isolation, have caused material injury to the Community industry.

### VII. COMMUNITY INTEREST

#### A. User, Alunorf

##### 1. Competitive situation

- (56) One magnesium user, Alunorf, submitted information. Notwithstanding the question whether Alunorf was representative of user interests, it was examined whether the user company would be put at a disadvantage compared to competitors located outside the Community by the adoption of anti-dumping measures.

In this respect it was established that there are few imports into the Community of the products which the user company and its owners manufacture, indicating that any impact that these companies might face due to competitive advantages gained by competitors located outside the Community and potentially benefiting from low-priced input materials is limited.

##### 2. Effect on cost of production

- (57) During the investigation period Alunorf produced aluminium-based products containing between 0 and 5 % magnesium. It has been determined that the cost of magnesium as a proportion of the total cost of production were substantially below 3 %. It follows that the impact of price variations in magnesium must be very small.

#### B. Other users

- (58) With respect to other users of magnesium, it was argued that the cost of magnesium represented a significant share of the overall cost of production, with the result that any increase in the cost of this important input would have a negative effect on this industry's competitive situation.

In this respect, it is acknowledged that there might be an effect on this user industry. The anti-dumping measures imposed have therefore been designed to allow the continued presence on the Community market of the suppliers located in the exporting countries.

#### C. Conclusion

- (59) In summary, it is considered that, on balance, it is in the Community interest to impose definitive measures in the present investigation. This view

takes specifically into account the situation of one category of user industry which uses magnesium as its main raw material. The definitive measures proposed ensure that the effects on this part of the user industry will be limited.

## VIII. ANTI-DUMPING MEASURES

### A. Level of duties

- (60) Based on the above conclusions on dumping, injury, causal link and Community interest, it was considered what form and level the anti-dumping measures would have to take in order to remove the trade-distorting effects of injurious dumping and to restore effective competitive conditions on the Community magnesium market.
- (61) In the present circumstances the overall loss-making situation of the Community industry of magnesium had to be taken into account as well as the volatility of the market.
- (62) Since the level of prices at which the injurious effects of the imports would be removed was higher than the dumping margin of both exporting countries concerned, the dumping margin was used in order to determine the level of measures.

### B. Form of duties

- (63) Given the material injury suffered by the Community industry in the form of financial losses being the result of a depression of sales prices, the nature of the product and possible price fluctuations resulting from demand for downstream products, a variable duty is considered the most appropriate form of duty in this case.

Taking into account the adjustment made in the determination of the respective normal values at the definitive stage, such variable duties would be based on a minimum price of ECU 2 602 and 2 568 per tonne at a cif Community-border level for imports of magnesium originating in Russia and Ukraine respectively taking into account the differences in the actual export channels used during the investigation period.

### C. Undertakings

- (64) Having been informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties, the two Russian and the Ukrainian producers offered undertakings concerning their exports of the product concerned to the Community. After examination of these offers, the Commission considered the undertakings as acceptable since they would eliminate the injurious

effects of dumping pursuant to Article 10 (2) of the basic anti-dumping Regulation. Furthermore, given the nature of the product and given the particular terms of the undertakings, in particular the fact that these undertakings cover exports of the product concerned for the Community directly invoiced to unrelated importers, it was established that these undertakings could be monitored effectively.

- (65) The Commission consulted the Advisory Committee on the acceptance of these undertakings and, since objections were raised, sent a report on these consultations to the Council. In accordance with Articles 9 and 10 (1) of the basic anti-dumping Regulation, the undertakings offered were accepted by Commission Decision 96/422/EC<sup>(1)</sup>.
- (66) Notwithstanding the acceptance of the undertakings offered by the Russian and Ukrainian producers, a residual duty should be imposed on imports of the product concerned originating in Russia and Ukraine, in order to underpin the undertakings by avoiding their circumvention. This residual duty should be imposed in the form of a variable duty as discussed above.

## IX. COLLECTION OF THE PROVISION DUTIES

- (67) In view of the magnitude of the dumping margins found for the exporting producers and in light of the seriousness of the injury, in particular in light of the level of price undercutting and price underselling, it is considered necessary that amounts secured by way of provisional anti-dumping duties for transactions involving the product concerned, i.e. exclusively magnesium at the definitive stage should be definitively collected for all companies, including those from which undertakings have been accepted, at the level of the definitive duties,

HAS ADOPTED THIS REGULATION:

### Article 1

1. (a) Definitive anti-dumping duties are hereby imposed on imports of unwrought pure magnesium falling within CN codes 8104 11 00 and ex 8104 19 00 (Taric code 8104 19 00 10) and originating in Russia and Ukraine.

For the purpose of this Regulation unwrought pure magnesium shall be defined as unwrought magnesium unintentionally containing small amounts of other elements as impurities.

<sup>(1)</sup> See page 32 of this Official Journal.

(b) This Regulation shall not cover unwrought alloyed magnesium which is unwrought magnesium containing more than 3 % by weight of intentionally added alloying elements such as aluminium and zinc.

2. For the product referred to in paragraph 1 (a) originating in Russia, the amount of anti-dumping duty shall be the difference between the minimum import price of ECU 2 602 per metric tonne product and the cif free Community-frontier price in all cases where the cif Community-frontier price per metric tonne product is less than the minimum import price (Taric additional code: 8899) except for imports of the product directly invoiced to an unrelated importer after the entry into force of this Regulation by the following producers located in Russia:

- Avisma Titanium-Magnesium Works, Berezniki, Perm region, (Taric additional code: 8898),
- Solikamsk Magnesium Works, Solikamsk, Perm region, (Taric additional code: 8903),

which shall be exempt from the duty subject to the above conditions pursuant to the acceptance of undertakings by Commission Decision 96/422/EC.

3. For the product referred to in paragraph 1 (a) originating in Ukraine, the amount of anti-dumping duty shall be the difference between the minimum import price of ECU 2,568 per metric tonne product and the cif Community-frontier price in all cases where the cif Community-frontier price per metric tonne product is less than the minimum import price (Taric additional code:

8902) except for imports of the product directly invoiced to an unrelated importer after the entry into force of this Regulation by the following producer located in Ukraine,

- Concern Orianam, Kalush, Ivano-Frankovsk region (Taric additional code: 8901),

which shall be exempt from the duty subject to the above conditions pursuant to the acceptance of an undertaking by Commission Decision 96/422/EEC.

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

#### *Article 2*

The amounts secured by way of provisional anti-dumping duty under Regulation (EC) No 2997/95 and related to imports of unwrought pure magnesium as defined in Article 1 (1) (a) shall be definitively collected at the duty rate definitively imposed.

Amounts secured in excess of the definitive rate of anti-dumping duty and related to imports of unwrought pure magnesium shall be released.

Amounts secured by way of provisional anti-dumping duty under Regulation (EC) No 2997/95 and related to imports of unwrought alloyed magnesium as defined in Article 1 (1) (b) shall be released.

#### *Article 3*

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2 July 1996.

*For the Council*

*The President*

D. SPRING

## COMMISSION DECISION No 1348/96/ECSC

of 11 July 1996

**derogating from High Authority Recommendation No 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community (163rd derogation)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

whereas duty-free tariff quotas at a level securing the supply of users is consequently required;

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the third paragraph of Article 71 thereof,

Whereas import of these products on preferential terms is not injurious to iron and steel undertakings in the Community which produce directly competing products;

Having regard to High Authority Recommendation No 1/64 of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community<sup>(1)</sup>, as last amended by Recommendation No 88/27/ECSC<sup>(2)</sup>, and in particular Article 3 thereof,

Whereas these tariff quotas are unlikely to jeopardize the objectives of Recommendation No 1/64, but will help to maintain existing trade flows between the Community and non-member countries;

Whereas these are special cases in the commercial policy field justifying the authorization of derogations pursuant to Article 3 of Recommendation No 1/64;

Whereas certain iron and steel products indispensable to the manufacture of certain goods and having very special physical and chemical characteristics are not produced in the Community, or produced in insufficient quantities; whereas for a number of years insufficiency has been overcome by duty-free tariff quotas; whereas Community producers are still not in a position to comply with the present quality requirements put forward by the users;

Whereas it is necessary to make sure that the tariff quotas granted will have no other function than meeting the specific needs of certain transforming industries;

Whereas the Governments of the Member States have been consulted on a request to increase certain tariff quotas set out in Commission Decision No 302/96/ECSC of 19 February 1996 derogating from High Authority recommendation No 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community (162nd derogation)<sup>(3)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

1. Member States are hereby authorized to derogate from the obligations arising pursuant to Article 1 of High Authority Recommendation No 1/64 to the extent necessary to suspend at the levels indicated the customs duties on the products set out in the table contained in Article 1 of Decision No 302/96/ECSC, within the quantities of the increased tariff quotas set out below:

Order No	CN code	Taric code	Description	Amount quota (tonnes)	Quota duty (%)	End of quota period
09.2921	(a)		Flat-rolled products of iron or non alloy steel, of a width of 600 mm or more, cold-rolled (cold-reduced) not clad, plated or coated	110 (instead of 50)	0	31.12.1996
	ex 7209 16 90	* 10	Of a thickness exceeding 1 mm but less than 3 mm			
	ex 7209 17 90	* 10	Of a thickness of 0,5 mm or more but not exceeding 1 mm			

<sup>(1)</sup> OJ No 8, 22. 1. 1964, p. 99/64.

<sup>(2)</sup> OJ No L 15, 20. 1. 1988, p. 13.

<sup>(3)</sup> OJ No L 42, 20. 2. 1996, p. 2.

Order No	CN code	Taric code	Description	Amount quota (tonnes)	Quota duty (%)	End of quota period
09.2922	(b)		Flat-rolled products of stainless steel, of a width of 600 mm or more not further worked than cold-rolled (cold-reduced)	380 (instead of 200)	0	31. 12. 1996
	ex 7219 33 10	* 10	Of a thickness exceeding 1 mm but less than 3 mm containing by weight 2,5 % or more of nickel			
	ex 7219 34 10	* 10	Of a thickness of 0,5 mm or more but not exceeding 1 mm, containing by weight 2,5 % or more of nickel			

2. Decision No 302/96/ECSC applies in all other respects.

*Article 2*

This Decision shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January until 31 December 1996.

This Decision shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 July 1996.

*For the Commission*

Leon BRITTAN

*Vice-President*

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## COMMISSION REGULATION (EC) No 1349/96

of 11 July 1996

**amending Regulation (EC) No 773/96 laying down special measures derogating from Regulations (EEC) No 3665/87, (EEC) No 3719/88 and (EEC) No 1964/82 in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Regulation (EC) No 773/96 is hereby amended as follows:

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EC) No 894/96<sup>(2)</sup>, and in particular Article 13 (12) thereof,

1. Article 3 is replaced by the following:

*Article 3*

Whereas Commission Regulation (EC) No 773/96<sup>(3)</sup>, as last amended by Regulation (EC) No 1044/96<sup>(4)</sup> lays down special measures for the regularization of certain export transactions in the wake of the measures taken by several third countries to safeguard against bovine spongiform encephalopathy (BSE);

The provisions of Article 20 (3) (a), the reduction of 20 % referred to in the second indent of Article 20 (3) (b) and the increases of 15 % and 20 % referred to in Article 23 (1) and the second subparagraph of Article 33 (1) respectively of Regulation (EEC) No 3665/87 shall not apply to exports carried out under licences issued by 31 March 1996, provided that the customs formalities for release for consumption in the third country concerned were carried out after 20 March 1996.'

Whereas exporters should not lose their securities where meat has been destroyed by a third country or a Member State as a result of measures in relation to BSE;

2. In Article 4 (1) the following indents shall be added:

- customs export formalities were completed but which have been destroyed by a third country as a result of measures adopted by it in relation to BSE, the exporter shall repay any refund paid in advance and, subject to the presentation of evidence of destruction, the securities relating to the operations shall be released,
- customs export formalities were completed but which have been returned to the customs territory of the Community and destroyed by the receiving Member State as a result of measures adopted by it in relation to BSE, the exporter shall repay any refund paid in advance and, subject to the presentation of evidence of destruction, the securities relating to the operations shall be released.'

Whereas where, as a result of problems related to BSE, an exporter is obliged to change destination; whereas Regulation (EC) No 773/96 provides for an adequate solution if the rate of refund corresponding to the actual destination is lower than the indicated destination but not if it is higher; whereas it is therefore necessary to amend Regulation (EC) No 773/96;

*Article 2*

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 125, 23. 5. 1996, p. 1.

<sup>(3)</sup> OJ No L 104, 27. 4. 1996, p. 19.

<sup>(4)</sup> OJ No L 139, 12. 6. 1996, p. 4.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 July 1996.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1350/96**  
**of 11 July 1996**  
**amending Regulation (EEC) No 3478/92 laying down detailed rules for the**  
**application of the premium system for raw tobacco**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
 Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco<sup>(1)</sup>, as last amended by Regulation (EC) No 415/96<sup>(2)</sup>, and in particular Article 7 thereof,

Whereas, in accordance with Article 5 (a) of Regulation (EEC) No 2075/92, premiums are granted solely on leaf tobacco from specified production areas;

Whereas, pursuant to Article 1 (2) of Commission Regulation (EEC) No 3478/92<sup>(3)</sup>, as last amended by Regulation (EC) No 259/96<sup>(4)</sup>, such production areas are to be reviewed each year and adapted, where necessary, to quantitative and qualitative developments on the market;

Whereas such production areas are recognized on the basis of traditional tobacco-producing areas; whereas the Member States concerned may, with a view to sound management of production of a particular group of varieties and within their guarantee thresholds, apply for such traditional production areas to be included on the list of recognized production areas;

Whereas, following an application from Germany and in view of the fact that the three areas concerned are traditional production areas, Annex I to Regulation (EEC) No 3478/92 listing the recognized production areas should be amended;

Whereas, in the wake of Austria's accession, the production areas and the moisture content for dark air-cured

tobacco produced in Austria should be determined; whereas Annexes I and III to Regulation (EEC) No 3478/92 should therefore be amended;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Tobacco,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3478/92 is hereby amended as follows:

1. Part III (Dark air-cured) of Annex I is replaced by the Annex hereto.
2. Point III of Annex III is replaced by the following:

‘III. Dark air-cured	
Belgium, Germany, France, Austria	26
other Member States	22’.

*Article 2*

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from the 1996 harvest.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 July 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 215, 30. 7. 1992, p. 70.

<sup>(2)</sup> OJ No L 59, 8. 3. 1996, p. 3.

<sup>(3)</sup> OJ No L 351, 2. 12. 1992, p. 17.

<sup>(4)</sup> OJ No L 34, 13. 2. 1996, p. 14.

## ANNEX

## ANNEX I

## RECOGNIZED PRODUCTION AREAS

Group of varieties in accordance with the Annex to Regulation (EEC) No 2075/92	Member State	Production areas
III. Dark air-cured	Belgium	Flanders, Hainaut, Namur, Luxembourg
	Germany	Rhine valley and adjacent valleys, Mittelfranken, Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, Thuringia
	France	Aquitaine, Midi-Pyrénées, Languedoc-Roussillon, Auvergne-Limousin, Poitou-Charentes, Brittany, Loire Region, Centre, Rhône-Alpes, Provence-Alpes-Côte d'Azur, Franche-Comté, Alsace-Lorraine, Champagne-Ardenne, Picardy, Nord-Pas-de-Calais, Normandy, Burgundy, Réunion
	Italy	Friuli, Trentino, Veneto, Tuscany, Lazio, Molise, Campania, Apulia, Sicily
	Spain	Extremadura, Andalusia, Castile-Leon, Castile-La Mancha, Valencia (Comunidad autónoma), Navarre, Rioja, Catalonia, Madrid, Galicia, Asturias, Cantabria, Compezo (Basque Country), Las Palmas (Canary Islands)
	Austria	Burgenland, Lower Austria, Upper Austria, Styria

## COMMISSION REGULATION (EC) No 1351/96

of 11 July 1996

## fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 2931/95 <sup>(2)</sup>, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products <sup>(3)</sup>, as last amended by Regulation (EC) No 1315/96 <sup>(4)</sup>, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 307, 20. 12. 1995, p. 10.

<sup>(3)</sup> OJ No L 144, 28. 6. 1995, p. 22.

<sup>(4)</sup> OJ No L 170, 9. 7. 1996, p. 20.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector <sup>(1)</sup>, as last amended by Regulation (EC) No 1126/96 <sup>(2)</sup>;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84 <sup>(3)</sup>, as last amended by Regulation (EEC) No 222/88 <sup>(4)</sup>, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 990/93 <sup>(5)</sup>, as amended by Regulation (EC) No 1380/95 <sup>(6)</sup> prohibits

trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96 <sup>(7)</sup>; whereas account should be taken of this fact when fixing the refunds;

Whereas, with a view to better management of cheese exports in the light of the new constraints affecting subsidized exports, the refunds applying to some cheeses on export to certain destinations should be reduced;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 028, 043, 044 and 045 for products falling within CN code 0406.

*Article 2*

This Regulation shall enter into force on 12 July 1996.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 July 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 150, 25. 6. 1996, p. 3.

<sup>(3)</sup> OJ No L 91, 1. 4. 1984, p. 71.

<sup>(4)</sup> OJ No L 28, 1. 2. 1988, p. 1.

<sup>(5)</sup> OJ No L 102, 28. 4. 1993, p. 14.

<sup>(6)</sup> OJ No L 138, 21. 6. 1995, p. 1.

<sup>(7)</sup> OJ No L 65, 15. 3. 1996, p. 1.

## ANNEX

## to the Commission Regulation of 11 July 1996 fixing the export refunds on milk and milk products

*(in ECU/100 kg net weight unless otherwise indicated)*

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000	+	4,748	0402 21 99 500	+	110,00
0401 10 90 000	+	4,748	0402 21 99 600	+	119,21
0401 20 11 100	+	4,748	0402 21 99 700	+	124,61
0401 20 11 500	+	7,340	0402 21 99 900	+	130,71
0401 20 19 100	+	4,748	0402 29 15 200	+	0,5500
0401 20 19 500	+	7,340	0402 29 15 300	+	0,8653
0401 20 91 100	+	9,775	0402 29 15 500	+	0,9116
0401 20 91 500	+	11,39	0402 29 15 900	+	0,9805
0401 20 99 100	+	9,775	0402 29 19 200	+	0,5500
0401 20 99 500	+	11,39	0402 29 19 300	+	0,8653
0401 30 11 100	+	14,62	0402 29 19 500	+	0,9116
0401 30 11 400	+	22,55	0402 29 19 900	+	0,9805
0401 30 11 700	+	33,87	0402 29 91 100	+	0,9877
0401 30 19 100	+	14,62	0402 29 91 500	+	1,0761
0401 30 19 400	+	22,55	0402 29 99 100	+	0,9877
0401 30 19 700	+	33,87	0402 29 99 500	+	1,0761
0401 30 31 100	+	40,34	0402 91 11 110	+	4,748
0401 30 31 400	+	63,00	0402 91 11 120	+	9,775
0401 30 31 700	+	69,47	0402 91 11 310	+	14,00
0401 30 39 100	+	40,34	0402 91 11 350	+	17,15
0401 30 39 400	+	63,00	0402 91 11 370	+	20,85
0401 30 39 700	+	69,47	0402 91 19 110	+	4,748
0401 30 91 100	+	79,18	0402 91 19 120	+	9,775
0401 30 91 400	+	116,37	0402 91 19 310	+	14,00
0401 30 91 700	+	135,80	0402 91 19 350	+	17,15
0401 30 99 100	+	79,18	0402 91 19 370	+	20,85
0401 30 99 400	+	116,37	0402 91 31 100	+	19,31
0401 30 99 700	+	135,80	0402 91 31 300	+	24,65
0402 10 11 000	+	55,00	0402 91 39 100	+	19,31
0402 10 19 000	+	55,00	0402 91 39 300	+	24,65
0402 10 91 000	+	0,5500	0402 91 51 000	+	22,55
0402 10 99 000	+	0,5500	0402 91 59 000	+	22,55
0402 21 11 200	+	55,00	0402 91 91 000	+	79,18
0402 21 11 300	+	86,53	0402 91 99 000	+	79,18
0402 21 11 500	+	91,16	0402 99 11 110	+	0,0475
0402 21 11 900	+	98,05	0402 99 11 130	+	0,0978
0402 21 17 000	+	55,00	0402 99 11 150	+	0,1336
0402 21 19 300	+	86,53	0402 99 11 310	+	16,14
0402 21 19 500	+	91,16	0402 99 11 330	+	19,37
0402 21 19 900	+	98,05	0402 99 11 350	+	25,75
0402 21 91 100	+	98,77	0402 99 19 110	+	0,0475
0402 21 91 200	+	99,45	0402 99 19 130	+	0,0978
0402 21 91 300	+	100,67	0402 99 19 150	+	0,1336
0402 21 91 400	+	107,61	0402 99 19 310	+	16,14
0402 21 91 500	+	110,00	0402 99 19 330	+	19,37
0402 21 91 600	+	119,21	0402 99 19 350	+	25,75
0402 21 91 700	+	124,61	0402 99 31 110	+	0,2094
0402 21 91 900	+	130,71	0402 99 31 150	+	26,81
0402 21 99 100	+	98,77	0402 99 31 300	+	0,4034
0402 21 99 200	+	99,45	0402 99 31 500	+	0,6947
0402 21 99 300	+	100,67	0402 99 39 110	+	0,2094
0402 21 99 400	+	107,61			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0402 99 39 150	+	26,81	0404 90 29 130	+	106,65
0402 99 39 300	+	0,4034	0404 90 29 135	+	109,00
0402 99 39 500	+	0,6947	0404 90 29 150	+	118,13
0402 99 91 000	+	0,7918	0404 90 29 160	+	123,50
0402 99 99 000	+	0,7918	0404 90 29 180	+	129,53
0403 10 11 400	+	4,748	0404 90 81 100	+	0,5410
0403 10 11 800	+	7,340	0404 90 81 910	+	0,0475
0403 10 13 800	+	9,775	0404 90 81 950	+	16,00
0403 10 19 800	+	14,62	0404 90 83 110	+	0,5410
0403 10 31 400	+	0,0475	0404 90 83 130	+	0,8576
0403 10 31 800	+	0,0734	0404 90 83 150	+	0,9035
0403 10 33 800	+	0,0978	0404 90 83 170	+	0,9718
0403 10 39 800	+	0,1462	0404 90 83 911	+	0,0475
0403 90 11 000	+	54,10	0404 90 83 913	+	0,0978
0403 90 13 200	+	54,10	0404 90 83 915	+	0,1462
0403 90 13 300	+	85,76	0404 90 83 917	+	0,2255
0403 90 13 500	+	90,35	0404 90 83 919	+	0,3387
0403 90 13 900	+	97,18	0404 90 83 931	+	16,00
0403 90 19 000	+	97,90	0404 90 83 933	+	19,20
0403 90 31 000	+	0,5410	0404 90 83 935	+	25,52
0403 90 33 200	+	0,5410	0404 90 83 937	+	26,55
0403 90 33 300	+	0,8576	0404 90 89 130	+	0,9790
0403 90 33 500	+	0,9035	0404 90 89 150	+	1,0665
0403 90 33 900	+	0,9718	0404 90 89 930	+	0,4843
0403 90 39 000	+	0,9790	0404 90 89 950	+	0,6947
0403 90 51 100	+	4,748	0404 90 89 990	+	0,7918
0403 90 51 300	+	7,340	0405 10 11 500	+	170,73
0403 90 53 000	+	9,775	0405 10 11 700	+	175,00
0403 90 59 110	+	14,62	0405 10 19 500	+	170,73
0403 90 59 140	+	22,55	0405 10 19 700	+	175,00
0403 90 59 170	+	33,87	0405 10 30 100	+	170,73
0403 90 59 310	+	40,34	0405 10 30 300	+	175,00
0403 90 59 340	+	63,00	0405 10 30 500	+	170,73
0403 90 59 370	+	69,47	0405 10 30 700	+	175,00
0403 90 59 510	+	79,18	0405 10 50 100	+	170,73
0403 90 59 540	+	116,37	0405 10 50 300	+	175,00
0403 90 59 570	+	135,80	0405 10 50 500	+	170,73
0403 90 61 100	+	0,0475	0405 10 50 700	+	175,00
0403 90 61 300	+	0,0734	0405 10 90 000	+	181,40
0403 90 63 000	+	0,0978	0405 20 90 500	+	160,06
0403 90 69 000	+	0,1462	0405 20 90 700	+	166,46
0404 90 21 100	+	54,10	0405 90 10 000	+	223,00
0404 90 21 910	+	4,748	0405 90 90 000	+	175,00
0404 90 21 950	+	13,87	0406 10 20 100	+	—
0404 90 23 120	+	54,10	0406 10 20 230	037	—
0404 90 23 130	+	85,76		039	—
0404 90 23 140	+	90,35		046	26,57
0404 90 23 150	+	97,18		052	26,57
0404 90 23 911	+	4,748		400	30,90
0404 90 23 913	+	9,775		404	—
0404 90 23 915	+	14,62		600	26,57
0404 90 23 917	+	22,55		***	37,95
0404 90 23 919	+	33,87			
0404 90 23 931	+	13,87	0406 10 20 290	037	—
0404 90 23 933	+	17,00		039	—
0404 90 23 935	+	20,66		046	24,71
0404 90 23 937	+	24,43		052	24,71
0404 90 23 939	+	25,54		400	28,74
0404 90 29 110	+	97,90		404	—
0404 90 29 115	+	98,55		600	24,71
0404 90 29 120	+	99,78		***	35,30

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 10 20 610	037	—	0406 10 20 850	037	—
	039	—		039	—
	046	46,09		046	22,46
	052	46,09		052	22,46
	400	64,19		400	32,09
	404	—		404	—
	600	46,09		600	22,46
	...	65,84		...	32,09
0406 10 20 620	037	—	0406 10 20 870	+	—
	039	—	0406 10 20 900	+	—
	046	50,54	0406 20 90 100	+	—
	052	50,54	0406 20 90 913	037	—
	400	70,77	039	—	
	404	—	046	43,76	
	600	50,54	052	43,76	
	...	72,20	400	62,51	
0406 10 20 630	037	—	404	—	
	039	—	600	43,76	
	046	57,07	...	62,51	
	052	57,07	0406 20 90 915	037	—
	400	80,43	039	—	
	404	—	046	58,34	
	600	57,07	052	58,34	
	...	81,52	400	83,34	
0406 10 20 640	037	—	404	—	
	039	—	600	58,34	
	046	66,96	...	83,34	
	052	66,96	0406 20 90 917	037	—
	400	95,66	039	—	
	404	—	046	61,97	
	600	66,96	052	61,97	
	...	95,66	400	88,54	
0406 10 20 650	037	—	404	—	
	039	—	600	61,97	
	046	69,71	...	88,54	
	052	69,71	0406 20 90 919	037	—
	400	47,83	039	—	
	404	—	046	69,27	
	600	69,71	052	69,27	
	...	99,59	400	98,96	
0406 10 20 660	+	—	404	—	
0406 10 20 810	037	—	600	69,27	
	039	—	...	98,96	
	046	10,85	0406 20 90 990	+	—
	052	10,85	0406 30 10 100	+	—
	400	15,51	0406 30 10 150	037	—
	404	—	039	—	
	600	10,85	046	9,77	
	...	15,51	052	9,77	
0406 10 20 830	037	—	400	12,25	
	039	—	404	—	
	046	18,53	600	9,77	
	052	18,53	...	13,95	
	400	26,47	0406 30 10 200	037	—
	404	—	039	—	
	600	18,53	046	20,83	
	...	26,47	052	20,83	
		400	26,60		
		404	—		
		600	20,83		
		...	29,75		

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 10 250	037	—	0406 30 10 650	037	—
	039	—		039	—
	046	20,83		046	44,46
	052	20,83		052	44,46
	400	26,60		400	56,85
	404	—		404	—
	600	20,83		600	44,46
	***	29,75		***	63,51
0406 30 10 300	037	—	0406 30 10 700	037	—
	039	—		039	—
	046	30,56		046	44,46
	052	30,56		052	44,46
	400	39,04		400	56,85
	404	—		404	—
	600	30,56		600	44,46
	***	43,65		***	63,51
0406 30 10 350	037	—	0406 30 10 750	037	—
	039	—		039	—
	046	20,83		046	52,73
	052	20,83		052	52,73
	400	26,60		400	67,42
	404	—		404	—
	600	20,83		600	52,73
	***	29,75		***	75,33
0406 30 10 400	037	—	0406 30 10 800	037	—
	039	—		039	—
	046	30,56		046	52,73
	052	30,56		052	52,73
	400	39,04		400	67,42
	404	—		404	—
	600	30,56		600	52,73
	***	43,65		***	75,33
0406 30 10 450	037	—	0406 30 31 100	+	—
	039	—	0406 30 31 300	037	—
	046	44,46	039	—	
	052	44,46	046	9,77	
	400	56,85	052	9,77	
	404	—	400	12,25	
	600	44,46	404	—	
	***	63,51	600	9,77	
0406 30 10 500	+	—	***	13,95	
0406 30 10 550	037	—	0406 30 31 500	037	—
	039	—		039	—
	046	20,83		046	20,83
	052	20,83		052	20,83
	400	26,60		400	26,60
	404	12,23		404	—
	600	20,83		600	20,83
	***	29,75		***	29,75
0406 30 10 600	037	—	0406 30 31 710	037	—
	039	—		039	—
	046	30,56		046	20,83
	052	30,56		052	20,83
	400	39,04		400	26,60
	404	17,12		404	—
	600	30,56		600	20,83
	***	43,65		***	29,75



Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 31 730	037	—	0406 30 39 930	037	—
	039	—		039	—
	046	30,56		046	44,46
	052	30,56		052	44,46
	400	39,04		400	56,85
	404	—		404	—
	600	30,56		600	44,46
	...	43,65		...	63,51
0406 30 31 910	037	—	0406 30 39 950	037	—
	039	—		039	—
	046	20,83		046	52,73
	052	20,83		052	52,73
	400	26,60		400	67,42
	404	—		404	—
	600	20,83		600	52,73
	...	29,75		...	75,33
0406 30 31 930	037	—	0406 30 90 000	037	—
	039	—		039	—
	046	30,56		046	52,73
	052	30,56		052	52,73
	400	39,04		400	67,42
	404	—		404	—
	600	30,56		600	52,73
	...	43,65		...	75,33
0406 30 31 950	037	—	0406 40 50 000	037	—
	039	—		039	—
	046	44,46		046	65,16
	052	44,46		052	65,16
	400	56,85		400	62,00
	404	—		404	—
	600	44,46		600	65,16
	...	63,51		...	93,09
0406 30 39 100	+	—	0406 40 90 000	037	—
0406 30 39 300	037	—		039	—
	039	—		046	65,16
	046	20,83		052	65,16
	052	20,83		400	62,00
	400	26,60		404	—
	404	12,23		600	65,16
	600	20,83		...	93,09
	...	29,75	0406 90 07 000	037	—
0406 30 39 500	037	—		039	—
	039	—		046	82,07
	046	30,56		052	82,07
	052	30,56		400	102,86
	400	39,04		404	—
	404	17,12		600	82,07
	600	30,56		...	117,24
	...	43,65	0406 90 08 100	037	—
0406 30 39 700	037	—		039	—
	039	—		046	82,07
	046	44,46		052	82,07
	052	44,46		400	102,86
	400	56,85		404	—
	404	—		600	82,07
	600	44,46		...	117,24
	...	63,51	0406 90 08 900	+	—

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)	
0406 90 09 100	037	—	0406 90 27 900	037	—	
	039	—		039	—	
	046	82,07		046	59,08	
	052	82,07		052	59,08	
	400	102,86		400	41,30	
	404	—		404	—	
	600	82,07		600	59,08	
	...	117,24		...	84,39	
0406 90 09 900	+	—	0406 90 31 119	037	—	
0406 90 12 000	037	—		039	—	
	039	—		046	49,82	
	046	82,07		052	49,82	
	052	82,07		400	49,43	
	400	102,86		404	12,66	
	404	—		600	49,82	
	600	82,07		...	71,17	
...	117,24	0406 90 31 151	037	—		
0406 90 14 100	037		—	039	—	
	039		—	046	46,44	
	046		82,07	052	46,44	
	052		82,07	400	46,20	
	400		102,86	404	11,84	
	404		—	600	46,44	
	600		82,07	...	66,34	
...	117,24	0406 90 31 159	+	—		
0406 90 14 900	+		—	0406 90 33 119	037	—
0406 90 16 100	037		—		039	—
	039		—		046	49,82
	046		82,07		052	49,82
	052		82,07		400	49,43
	400		102,86		404	12,66
	404	—	600		49,82	
600	82,07	...	71,17			
...	117,24	0406 90 33 151	037	—		
0406 90 16 900	+		—	039	—	
	0406 90 21 900		037	—	046	46,44
			039	—	052	46,44
			046	78,13	400	46,20
			052	78,13	404	11,84
			400	95,66	600	46,44
404	—	...	66,34			
600	78,13	0406 90 33 919	037	—		
...	111,62		039	—		
0406 90 23 900	037		—	046	44,01	
	039		—	052	44,01	
	046		57,50	400	43,67	
	052		57,50	404	11,19	
	400		42,00	600	44,01	
	404	—	...	62,88		
600	57,50	0406 90 33 951	037	—		
...	82,00		039	—		
0406 90 25 900	037		—	046	43,19	
	039		—	052	43,19	
	046		69,71	400	42,97	
	052		69,71	404	11,01	
	400		47,83	600	43,19	
	404	—	...	61,70		
600	69,71					
...	99,59					

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 35 190	037	33,76	0406 90 73 900	037	—
	039	33,76		039	—
	046	87,81		046	77,79
	052	87,81		052	77,79
	400	125,44		400	111,12
	404	71,22		404	88,32
	600	87,81		600	77,79
	...	125,44		...	111,12
0406 90 35 990	037	—	0406 90 75 900	037	—
	039	—		039	—
	046	66,96		046	64,88
	052	66,96		052	64,88
	400	95,66		400	47,83
	404	—		404	—
	600	66,96		600	64,88
	...	95,66		...	92,69
0406 90 37 000	037	—	0406 90 76 100	037	—
	039	—		039	—
	046	82,07		046	57,07
	052	82,07		052	57,07
	400	102,86		400	43,24
	404	—		404	—
	600	82,07		600	57,07
	...	117,24		...	81,52
0406 90 61 000	037	45,00	0406 90 76 300	037	—
	039	45,00		039	—
	046	90,50		046	69,71
	052	90,50		052	69,71
	400	129,50		400	47,83
	404	98,00		404	—
	600	90,50		600	69,71
	...	129,50		...	99,59
0406 90 63 100	037	63,50	0406 90 76 500	037	—
	039	63,50		039	—
	046	115,00		046	69,71
	052	115,00		052	69,71
	400	164,00		400	55,19
	404	123,50		404	—
	600	115,00		600	69,71
	...	164,00		...	99,59
0406 90 63 900	037	50,50	0406 90 78 100	037	—
	039	50,50		039	—
	046	83,00		046	51,50
	052	83,00		052	51,50
	400	108,00		400	41,00
	404	57,50		404	—
	600	83,00		600	51,50
	...	118,50		...	73,50
0406 90 69 100	+	—	0406 90 78 300	037	—
0406 90 69 910	037	—		039	—
	039	—		046	63,00
	046	84,99		052	63,00
	052	84,99		400	45,50
	400	110,38		404	—
	404	58,87		600	63,00
	600	84,99		...	90,00
	...	121,41			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 78 500	037	—	0406 90 86 300	037	—
	039	—		039	—
	046	63,00		046	48,00
	052	63,00		052	48,00
	400	52,50		400	68,50
	404	—		404	—
	600	63,00		600	48,00
	...	90,00		...	68,50
0406 90 79 900	037	—	0406 90 86 400	037	—
	039	—		039	—
	046	59,08		046	54,00
	052	59,08		052	54,00
	400	41,30		400	77,50
	404	—		404	—
	600	59,08		600	54,00
	...	84,39		...	77,50
0406 90 81 900	037	—	0406 90 86 900	037	—
	039	—		039	—
	046	66,96		046	63,50
	052	66,96		052	63,50
	400	95,66		400	91,00
	404	—		404	—
	600	66,96		600	63,50
	...	95,66		...	91,00
0406 90 85 910	037	33,76	0406 90 87 100	+	—
	039	33,76	0406 90 87 200	037	—
	046	87,81	039	—	
	052	87,81	046	44,00	
	400	125,44	052	44,00	
	404	71,22	400	62,50	
	600	87,81	404	—	
	...	125,44	600	44,00	
0406 90 85 991	037	—	...	62,50	
	039	—	0406 90 87 300	037	—
	046	66,96		039	—
	052	66,96		046	48,00
	400	95,66		052	48,00
	404	—		400	68,50
	600	66,96		404	—
	...	95,66		600	48,00
0406 90 85 995	037	—		...	68,50
	039	—	0406 90 87 400	037	—
	046	69,71		039	—
	052	69,71		046	54,00
	400	47,83		052	54,00
	404	—		400	77,50
	600	69,71		404	—
	...	99,59		600	54,00
0406 90 85 999	+	—		...	77,50
	+	—	0406 90 87 951	037	—
0406 90 86 100	037	—		039	—
0406 90 86 200	039	—		046	79,50
	046	44,00		052	79,50
	052	44,00		400	113,50
	400	62,50		404	67,50
	404	—		600	79,50
	600	44,00		...	113,50
	...	62,50			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 87 971	037	—	2309 10 15 400	+	—
	039	—	2309 10 15 500	+	—
	046	66,00	2309 10 15 700	+	—
	052	66,00	2309 10 19 010	+	—
	400	54,46	2309 10 19 100	+	—
	404	—	2309 10 19 200	+	—
	600	66,00	2309 10 19 300	+	—
	***	94,50	2309 10 19 400	+	—
0406 90 87 972	046	25,00	2309 10 19 500	+	—
	052	25,00	2309 10 19 600	+	—
	400	30,90	2309 10 19 700	+	—
	404	—	2309 10 19 800	+	—
	600	25,00	2309 10 70 010	+	—
	***	36,00	2309 10 70 100	+	14,58
0406 90 87 979	037	—	2309 10 70 200	+	19,44
	039	—	2309 10 70 300	+	24,30
	046	66,00	2309 10 70 500	+	29,16
	052	66,00	2309 10 70 600	+	34,02
	400	54,46	2309 10 70 700	+	38,88
	404	—	2309 10 70 800	+	42,77
	600	66,00	2309 90 35 010	+	—
	***	94,50	2309 90 35 100	+	—
			2309 90 35 200	+	—
	0406 90 88 100	+	2309 90 35 300	+	—
	0406 90 88 200	037	—	2309 90 35 400	+
	039	—	2309 90 35 500	+	—
	046	44,00	2309 90 35 700	+	—
	052	44,00	2309 90 39 010	+	—
	400	62,50	2309 90 39 100	+	—
	404	—	2309 90 39 200	+	—
	600	44,00	2309 90 39 300	+	—
	***	62,50	2309 90 39 400	+	—
0406 90 88 300	037	—	2309 90 39 500	+	—
	039	—	2309 90 39 600	+	—
	046	48,00	2309 90 39 700	+	—
	052	48,00	2309 90 39 800	+	—
	400	68,50	2309 90 70 010	+	—
	404	—	2309 90 70 100	+	14,58
	600	48,00	2309 90 70 200	+	19,44
	***	68,50	2309 90 70 300	+	24,30
			2309 90 70 500	+	29,16
	2309 10 15 010	+	2309 90 70 600	+	34,02
	2309 10 15 100	+	2309 90 70 700	+	38,88
2309 10 15 200	+	2309 90 70 800	+	42,77	
2309 10 15 300	+				

(\*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by \*\*\*.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

(\*\*) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as amended.

**COMMISSION REGULATION (EC) No 1352/96**  
**of 11 July 1996**  
**establishing the standard import values for determining the entry price of**  
**certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EC) No 2933/95<sup>(2)</sup>, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 12 July 1996.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 July 1996.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ No L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ No L 307, 20. 12. 1995, p. 21.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 11 July 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code (1)	Standard import value	CN code	Third country code (1)	Standard import value
0702 00 35	052	73,4		508	115,8
	060	80,2		512	89,3
	064	70,8		524	72,2
	066	68,8		528	90,5
	068	62,3		624	86,5
	204	86,8		728	107,3
	208	44,0		800	78,0
	212	97,5		804	96,7
	624	95,8		999	86,2
	999	75,5		0808 20 47	039
ex 0707 00 25	052	75,7		052	138,2
	053	156,2		064	72,5
	060	61,0		388	93,5
	066	53,8		400	70,4
	068	69,1		512	97,5
	204	144,3		528	138,0
	624	87,1		624	79,0
	999	92,5		728	115,4
				800	55,8
				804	73,0
0709 90 77	052	65,9		999	94,3
	204	77,5	0809 10 40	052	144,4
	412	54,2		061	51,3
	624	151,9		064	117,1
	999	87,4		400	338,0
0805 30 30	052	130,6		999	162,7
	204	88,8	0809 20 49	052	202,0
	220	74,0		061	182,0
	388	79,4		064	137,1
	400	68,2		066	73,7
	512	54,8		068	121,6
	520	66,5		400	185,0
	524	65,8		600	94,9
	528	66,4		616	85,2
	600	84,0		624	182,8
	624	48,9	0809 30 31, 0809 30 39	676	166,2
	999	75,2		999	143,1
				052	63,1
0808 10 71, 0808 10 73, 0808 10 79	039	116,0		220	121,8
	052	64,0		624	106,8
	064	78,6	0809 40 30	999	97,2
	284	72,1		052	73,2
	388	96,8		064	64,4
	400	79,5		066	84,9
	404	63,6		068	61,2
	416	72,7		400	143,5
				624	217,2
				676	68,6
			999	101,9	

(1) Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 16). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 1353/96**  
**of 11 July 1996**  
**amending representative prices and additional duties for the import of certain**  
**products in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,  
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1126/96<sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses<sup>(3)</sup>, as last amended by Regulation (EC) No 1127/96<sup>(4)</sup>, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1195/96<sup>(5)</sup>, as last amended by Regulation (EC) No 1336/96<sup>(6)</sup>;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 12 July 1996.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 July 1996.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 150, 25. 6. 1996, p. 3.

<sup>(3)</sup> OJ No L 141, 24. 6. 1995, p. 16.

<sup>(4)</sup> OJ No L 150, 25. 6. 1996, p. 12.

<sup>(5)</sup> OJ No L 161, 29. 6. 1996, p. 3.

<sup>(6)</sup> OJ No L 171, 10. 7. 1996, p. 25.



## ANNEX

to the Commission Regulation of 11 July 1996 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 <sup>(1)</sup>	25,35	3,68
1701 11 90 <sup>(1)</sup>	25,35	8,86
1701 12 10 <sup>(1)</sup>	25,35	3,55
1701 12 90 <sup>(1)</sup>	25,35	8,43
1701 91 00 <sup>(2)</sup>	29,80	10,33
1701 99 10 <sup>(2)</sup>	29,80	5,81
1701 99 90 <sup>(2)</sup>	29,80	5,81
1702 90 99 <sup>(3)</sup>	0,30	0,35

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ No L 89, 10. 4. 1968, p. 3).

<sup>(2)</sup> For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1).

<sup>(3)</sup> By 1 % sucrose content.

## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 25 June 1996

accepting undertakings offered in connection with anti-dumping proceeding concerning imports of unwrought pure magnesium originating in Russia and Ukraine and terminating the proceeding against Kazakhstan

(96/422/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup>, and in particular Article 23 thereof,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988, on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(2)</sup>, as last amended by Regulation (EC) No 522/94<sup>(3)</sup>, and in particular Articles 9 and 10 thereof,

After consulting the Advisory Committee,

Whereas:

- (1) The Commission, by Regulation No 2997/95<sup>(4)</sup> (hereinafter referred to as 'the provisional duty Regulation') imposed a provisional anti-dumping duty on imports into the Community of unwrought magnesium originating in Russia and Ukraine and falling within CN codes 8104 11 00 and 8104 19 00.

No provisional anti-dumping duty was imposed on imports of the products concerned originating in Kazakhstan.

By Regulation (EC) No 720/96<sup>(5)</sup>, the Council extended the validity of the duty for a period not exceeding two months.

- (2) In the subsequent procedure, it was established that definitive anti-dumping measures should be taken in order to eliminate injurious dumping. The findings and conclusions on all aspects of the investigation, in particular also the decision to consider the two categories of unwrought magnesium covered by the complaint, i.e. pure and alloyed magnesium as two distinct products at the definitive stage of the proceeding and not to include unwrought alloyed magnesium in the investigation, are set out in Council Regulation (EC) No 1347/96<sup>(6)</sup>.
- (3) Having been informed of these conclusions, the two Russian producers and the Ukrainian authorities, in conjunction with one Ukrainian producer, offered undertakings to the Commission pursuant to Article 10 of Regulation (EEC) No 2423/88.
- (4) The terms of these undertakings, in particular the minimum prices for sales for exports to the Community set out there, ensure that the injurious effects of dumping as established in the framework of the present anti-dumping proceeding are eliminated.
- (5) In addition, since the two Russian exporting companies, the Ukrainian authorities and the Ukrainian exporting company have undertaken to submit detailed and regular sales information to the Commission and not to enter into direct or indirect

<sup>(1)</sup> OJ No L 56, 6. 3. 1996, p. 1.

<sup>(2)</sup> OJ No L 209, 2. 8. 1988, p. 1.

<sup>(3)</sup> OJ No L 66, 10. 3. 1994, p. 10.

<sup>(4)</sup> OJ No L 312, 23. 12. 1995, p. 37.

<sup>(5)</sup> OJ No L 100, 23. 4. 1996, p. 1.

<sup>(6)</sup> See page 1 of this Official Journal.

- compensatory arrangements with their customers in the Community, it has been concluded that the correct observance of the undertakings can effectively be monitored by the Commission.
- (6) As far as the export licensing systems set up by the Ukrainian government is concerned, this will operate for the duration of the undertakings of the Ukrainian producer and will ensure that all imports into the EU covered by the undertaking will be in line with the provisions contained therein.
- (7) In view of the provisions of Article 15 of Regulation (EEC) No 2423/88, the undertaking should enter into force on the same date as the definitive anti-dumping duty imposed by Regulation (EC) No 1347/96 in the present proceeding.
- (8) Under these circumstances, the undertakings offered by the two Russian producers, the Ukrainian authorities, in conjunction with the Ukrainian producer are considered acceptable and the investigation can, therefore, be terminated with respect to the Russian and Ukrainian producers concerned.
- (9) The producers concerned were informed of the essential facts and considerations on the basis of which the definitive anti-dumping measures were proposed and have had the opportunity to comment on all aspects of the investigation. Accordingly should an undertaking be withdrawn or should the Commission have reasons to believe that an undertaking is being violated, a provisional duty may be imposed pursuant to Article 7 and Article 8 (10) of Regulation (EC) No 384/96 and, should the conditions of Article 8 (9) of the Regulation be met, a definitive anti-dumping duty will be imposed.
- (10) As far as imports of unwrought alloyed magnesium originating in Russia and Ukraine are concerned, which were excluded from the present investigation, the proceeding should be terminated with respect to such imports.
- (11) As far as imports of unwrought magnesium originating in Kazakhstan are concerned, the investigation confirmed the findings reported in the provisional duty Regulation, i.e. that imports of unwrought magnesium from Kazakhstan were *de-minimis* and, therefore, did not cause injury to the Community industry. Such a finding has not been contested by either the Community industry or the other exporters. Consequently, the proceeding should be terminated with respect to imports of unwrought magnesium originating in Kazakhstan.

- (12) When the Advisory Committee was consulted on the acceptance of the undertakings offered some objections were raised. Therefore, in accordance with Article 9 (1) and Article 10 (1) of the Council Regulation (EEC) No 2423/88, the Commission sent a report to the Council on the result of the consultations and a proposal for the acceptance of the undertakings. As the Council has not decided otherwise within one month, the present Decision should stand adopted. No objections were raised concerning the termination of the proceeding with relation to Kazakhstan,

HAS DECIDED AS FOLLOWS:

*Article 1*

The undertakings offered by Avisma Titanium-Magnesium Works, Berezniki, Perm region and Solikamsk Magnesium Works, Solikamsk, Perm region and the undertaking offered by Ukrainian authorities together with Concern Oriana, Kalush, Ivano-Frankovsk region in connection with the anti-dumping proceeding concerning imports of unwrought pure magnesium originating in Russia and Ukraine and falling within CN Code 8104 11 00 or ex 8104 19 00 are hereby accepted. This acceptance shall take effect on the date of entry into force of Regulation (EC) No 1347/96.

The investigation in respect of these producers is hereby terminated.

*Article 2*

The proceeding concerning imports of unwrought alloyed magnesium originating in Russia and Ukraine is hereby terminated.

For the purpose of the present Decision unwrought alloyed magnesium is defined as unwrought magnesium containing more than 3 % by weight of intentionally added alloying elements such as aluminium and zinc.

*Article 3*

The proceeding concerning imports of unwrought magnesium originating in Kazakhstan is hereby terminated.

Done at Brussels, 25 June 1996.

*For the Commission*

Leon BRITTAN

*Vice-President*

**CORRIGENDA**

**Corrigendum to Commission Regulation (EC) No 1238/96 of 28 June 1996 reducing the basic and buying-in prices for cauliflowers and lemons until the end of the 1996/97 marketing year as a result of the overrun in the intervention thresholds fixed for the 1995/96 marketing year**

*(Official Journal of the European Communities No L 161 of 29 June 1996)*

On page 111 in the Annex, table 2, 'Lemons', in the column headed 'Basic price' against 'July':

*for:* '43,36',

*read:* '47,36'.

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